

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and ) Civil Action No. 3:16-cv-02267  
on Behalf of All Others Similarly Situated, )  
Plaintiff, ) Honorable Aleta A. Trauger  
vs. )  
CORRECTIONS CORPORATION OF ) PLAINTIFF'S OMNIBUS MOTION TO  
AMERICA, et al., ) FILE UNDER SEAL  
Defendants. )  
\_\_\_\_\_  
)

Pursuant to Rules 5.03 and 7.01 of the Civil Local Rules of Court ("L.R.") and Administrative Order No. 167-1: Administrative Practices and Procedures for Electronic Case Filing §5.07, Plaintiff<sup>1</sup> hereby moves the Court for leave to file under seal unredacted versions of the Reply in Support of Plaintiff's Motion to Exclude Opinion Testimony of Defendants' Non-retained Experts William Dalius, Harley Lappin, Don Murray and Kim White; and the Reply in Support of Plaintiff's Motion to Exclude Expert Testimony of Justin Marlowe (the "Replies"), as well as the Declaration of Christopher M. Wood in Support of Reply in Support of Plaintiff's Motion to Exclude Opinion Testimony of Defendants' Non-retained Experts William Dalius, Harley Lappin, Don Murray and Kim White; and the Declaration of Willow E. Radcliffe in Support of Reply in Support of Plaintiff's Motion to Exclude Expert Testimony of Justin Marlowe and the exhibits thereto (the "Declarations"), which are being filed contemporaneously herewith as "Sealed Documents."<sup>2</sup>

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<sup>1</sup> "Plaintiff" is Lead Plaintiff and Class Representative Amalgamated Bank, as Trustee for the LongView Collective Investment Fund. "Defendants" are Corrections Corporation of America ("CCA") and certain of its executives. Following the filing of this action, Defendants rebranded CCA and now refer to it as CoreCivic.

<sup>2</sup> The Replies and Declarations contain information that Defendants have designated as "Confidential." Plaintiff respectfully submits that filing redacted versions of the Replies and Declarations is impracticable.

Under the Revised Stipulation and Protective Order (ECF No. 86) (“Protective Order”), Plaintiff is required to “file[] under seal, redacted, or protected from public disclosure” any document that it submits to the Court and that reflects “Confidential Discovery Material.” Protective Order, ¶12. The Replies and Declarations contain information produced by Defendants in discovery and designated “Confidential.”

Plaintiff does not believe grounds exist to overcome the strong presumption in favor of openness as to court records. *See Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (“Unlike information merely exchanged between the parties, ‘[t]he public has a strong interest in obtaining the information contained in the court record.’”) (quoting *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1180 (6th Cir. 1983) (alteration in original)).

In any case, while the Court should allow the documents to be filed under seal pursuant to L.R. 5.03, because Defendants are “the party who designated the materials as confidential or otherwise seeks to restrict access to the materials,” the burden is on Defendants to demonstrate “compelling reasons to seal the documents and that the sealing is narrowly tailored to those reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing factual support and legal citations,” in order for the documents to remain under seal. L.R. 5.03(a)-(b).

DATED: February 19, 2021

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CHRISTOPHER H. LYONS, #034853

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**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on February 19, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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